

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED
OCT 18 2013
Clerk, U.S. District Court
District Of Montana
Missoula

DONALD LYNN ALLRED,

Petitioner,

vs.

COMMANDER SMITH, Flathead
Detention Center,

Respondent.

CV 13-171-M-DWM-JCL

ORDER

Donald Lynn Allred is a state prisoner proceeding pro se. He petitions the Court for a writ of habeas corpus under 28 U.S.C. § 2254. He raises several claims in his petition. Magistrate Judge Lynch recommends dismissing the petition.

Initially, the mail sent to the address on file for Donald Allred was returned as undeliverable. However, on the day objections were due for the present matter, Allred filed a change of address notification with the Court. Because this change was omitted from the docket in this case (it was noted in another case in Allred's name), the Court gave Allred an additional 42 days to file any objections to Judge

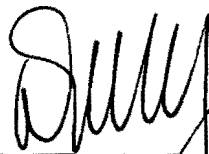
Lynch's Findings and Recommendation in the present case. Allred did not file any objections. The Court reviews findings and recommendations which are not specifically objected to for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Finding no clear error, IT IS ORDERED that the Findings and Recommendation (Doc. 3) is ADOPTED IN FULL. Donald Allred's petition for writ of habeas corpus (Doc. 1) is DISMISSED.

IT IS FURTHER ORDERED that the Clerk of Court is directed to enter by separate document a judgment in favor of Respondent and against Petitioner.

IT IS FURTHER ORDERED that a certificate of appealability is DENIED.

Dated this 18th day of October, 2013.



Donald W. Molloy, District Judge
United States District Court